

HOUSE BILL No. 2074

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-17.2-2-10; IC 12-17.2-2-11.5.

Synopsis: Child to staff ratios in child care homes. Specifies that the division of family and children has the authority to grant a variance or waiver of a rule regarding the child to staff ratio in child care homes. Provides that a variance or waiver of the child to staff ratio rule must be reviewed by the division annually.

Effective: July 1, 1999.

Grubb

January 27, 1999, read first time and referred to Committee on Public Health.



C
o
p
y

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 2074

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-17.2-2-10 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The division
3 may grant a variance or waiver of a rule, **including any rule**
4 **concerning a child to staff ratio**, governing child care centers, child
5 care homes, child caring institutions, foster homes, group homes, or
6 child placing agencies. A variance or waiver granted under this section
7 must promote statewide practices and must protect the rights of persons
8 affected by this article.
9 (b) The division may grant a variance to a rule if an applicant for a
10 license or a licensee under this chapter does the following:
11 (1) Submits to the division a written request for the variance in
12 the form and manner specified by the division.
13 (2) Documents that compliance with an alternative method of
14 compliance approved by the division will not be adverse to the
15 health, safety, or welfare of a child receiving services from the
16 applicant for the variance, as determined by the division.
17 (c) A variance granted under subsection (b) must be conditioned



upon compliance with the alternative method approved by the division. Noncompliance constitutes the violation of a rule of the division and may be the basis for revoking the variance.

(d) The division may grant a waiver of a rule if an applicant for a license or a licensee under this chapter does the following:

(1) Submits to the division a written request for the waiver in the form and manner specified by the division.

(2) Documents that compliance with the rule specified in the application for the waiver will create an undue hardship on the applicant for the waiver, as determined by the division.

(3) Documents that the applicant for the waiver will be in substantial compliance with the rules adopted by the division after the waiver is granted, as determined by the division.

(4) Documents that noncompliance with the rule specified in the application for a waiver will not be adverse to the health, safety, or welfare of a child receiving services from the applicant for the waiver, as determined by the division.

(e) Except for a variance or waiver of a rule governing child care homes or foster homes, a variance or waiver of a rule under this section that conflicts with a building rule or fire safety rule adopted by the fire prevention and building safety commission is not effective until the variance or waiver is approved by the fire prevention and building safety commission.

SECTION 2. IC 12-17.2-2-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 11.5. The division shall annually review any variance or waiver issued regarding the child to staff ratio to determine if the variance or waiver will continue to serve the public interest.**

C
o
p
y

